

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff

Case Number 91-75385  
Hon. Avern Cohn

PETER G. GRACIAN A/K/A LAMBERT

Defendant.

and

FIRST TRUST CREDIT UNION (ANY AND ALL ACCOUNTS)

Garnishee Defendant

---

**PLAINTIFF'S RESPONSE TO DEFENDANT'S REQUEST FOR HEARING  
ABOUT THE ANSWER FILED BY THE GARNISHEE**

This matter comes before the Court on Defendant's Request for Hearing About the Answer Filed by the Garnishee. The Garnishment at issue relates to a Writ of Garnishment issued to First Trust Credit Union. The Garnishee Defendant has indicated to Plaintiff that it is holding funds pursuant to the Writ.

In his Request for Hearing, Defendant states that he is unemployed, and that the source of the funds in the account are strictly Social Security VA disability benefits payable to his wife. Plaintiff acknowledges that if said disability benefits are the only source the account funds, such funds would be exempt from garnishment. While counsel for Plaintiff would like to simply take Defendant at his word regarding the nature of his income, counsel would not be properly representing the United States in this matter without requiring Defendant to provide some proof of his claimed exemption.

For the reasons set forth herein, Plaintiff respectfully requests that this Court deny Defendant's Request for Hearing and/or require that Defendant provide Plaintiff with documentary evidence supporting his claimed exemption.

DATED: August 5, 2008

By: s/Pamela S. Ritter  
HOLZMAN RITTER & LEDUC, PLLC  
28366 Franklin Road  
Southfield, MI 48034  
(248) 352-4340  
[usa@holzmanlaw.com](mailto:usa@holzmanlaw.com)  
P47886